

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #3	CCRB Case #: 201409314	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/10/2014 10:30 AM	Location of Incident: [REDACTED]	Precinct: 06	18 Mo. SOL 3/10/2016	EO SOL 3/10/2016	
Date/Time CV Reported Wed, 09/10/2014 1:38 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/10/2014 1:38 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonathan Oliveras	13842	943628	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jonathan Oliveras	Abuse: PO Jonathan Oliveras threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Jonathan Oliveras	Discourtesy: PO Jonathan Oliveras acted rudely toward § 87(2)(b) [REDACTED]	[REDACTED]
C.POM Jonathan Oliveras	Discourtesy: PO Jonathan Oliveras spoke rudely to § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On September 10, 2014, § 87(2)(b) filed this complaint with the CCRB via telephone.

On September 10, 2014, at approximately 10:30 a.m., § 87(2)(b) was driving his taxi on Bleecker Street in Manhattan with an unidentified passenger in the back seat. A small SUV and a van ran a red light at the intersection of Bleecker Street and 6th Avenue, where traffic was backed up into the intersection due to construction. PO Jonathan Oliveras, who was alone in an RMP, did not pull over either of these vehicles. § 87(2)(b)'s light turned green and he then drove in front of the SUV and the van, blocking their path. PO Oliveras pulled § 87(2)(b) over on the other side of 6th Avenue. § 87(2)(b) asked PO Oliveras why he ignored the cars that ran the red light and PO Oliveras asked him if he ever "studied in the academy." § 87(2)(b) who may have been speaking with a raised voice, said he did not need to study in any academy to see a car passing through a red light. PO Oliveras replied, "You want me to arrest you?" (**Allegation A**) § 87(2)(b) gave PO Oliveras his license and registration and PO Oliveras went back to the RMP. § 87(2)(b)'s customer expressed her support for § 87(2)(b) but was in a hurry, so she gave him her contact information and exited the taxi. Approximately ten to twenty minutes later, PO Oliveras returned to § 87(2)(b)'s taxi, threw § 87(2)(b)'s license and two summonses into his chest (**Allegation B**), and then walked back to his RMP. § 87(2)(b) exited his vehicle and walked to the RMP to ask PO Oliveras a question, PO Oliveras told § 87(2)(b) to "get the fuck out of here" (**Allegation C**) and then drove away.

### Mediation, Civil and Criminal Histories

- Mediation was presented to § 87(2)(b) during his intake call on September 10, 2014 and during his CCRB interview on October 3, 2014. § 87(2)(b) accepted mediation both times. On November 19, 2014, PO Oliveras rejected mediation and the case was subsequently returned to the investigation unit.
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of December 23, 2014 with regard to the incident (encl. 9F).
- As of December 23, 2014, Office of Court Administration records reveal no criminal convictions for § 87(2)(b)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 2A).
- PO Oliveras has been a member of the NYPD for seven years and has had one previous CCRB allegation involving one case with no substantiated allegations against him. § 87(2)(b)

### Potential Issues

§ 87(2)(b) stated that he lost his customer's contact information and, as of November 28, 2014, he was unable to locate it. The customer therefore remains unidentified.

### Findings and Recommendations

#### Allegations Not Pleaded

- **Vehicle Stop:** § 87(2)(b)'s and PO Oliveras' testimonies were consistent in that § 87(2)(b) was blocking the intersection of Bleecker Street and 6th Avenue. This was therefore a stop for a traffic infraction.

**Allegation A – Abuse of Authority: PO Jonathan Oliveras threatened to arrest § 87(2)(b)**

§ 87(2)(b) alleged that after he asked PO Oliveras why he did not pull over other vehicles that had committed moving violations, PO Oliveras said, “You want me to arrest you?” PO Oliveras stated that he told § 87(2)(b) that if he did not produce his license and registration, he was going to have to arrest him. PO Oliveras denied using the phrase “You want me to arrest you?” It is undisputed that PO Oliveras threatened to arrest § 87(2)(b) § 87(2)(g), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation B – Discourtesy: PO Jonathan Oliveras acted rudely toward § 87(2)(b)**

**Allegation C – Discourtesy: PO Jonathan Oliveras spoke rudely to § 87(2)(b)**

§ 87(2)(b) alleged that PO Oliveras threw two summonses and his license into his chest and then walked back towards his RMP. § 87(2)(b) exited his vehicle and approached PO Oliveras RMP to ask him a question and PO Oliveras allegedly told him to “Get the fuck out of here.” PO Oliveras stated that he stuck his hand into § 87(2)(b) s vehicle for him to grab the summons. He did not recall if § 87(2)(b) took the summons from his hand, but he denied throwing or dropping the summons or § 87(2)(b) s license into § 87(2)(b) s vehicle. PO Oliveras denied telling § 87(2)(b) to “get the fuck out of here” and denied using profanities at any point during this encounter. § 87(2)(g), § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Pod: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date